

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**MARK TASSINARI, RICHARD
ESPINOSA, RANDY OWENS, AND
JONATHAN ANDERSON,**
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

**THE SALVATION ARMY NATIONAL
CORPORATION; THE SALVATION
ARMY, A NEW YORK CORPORATION,**

Defendants.

CASE NO. 1:21-CV-10806

**JOINT MOTION FOR BRIEFING SCHEDULE AND EXTENSION OF TIME FOR
BRIEFING RELATED TO DEFENDANTS' MOTIONS TO DISMISS PLAINTIFFS'
AMENDED COMPLAINT**

Defendants The Salvation Army National Corporation and The Salvation Army, a New York corporation ("Defendants") and Plaintiffs (together, the "Parties") hereby respectfully jointly move this Court pursuant to Local Rule 7.1(b)(2) for a briefing schedule for any motions to dismiss Plaintiffs' Amended Complaint. The briefing schedule the Parties request below represents a slight extension of time beyond the briefing deadlines set by applicable Federal Rules of Civil Procedure and the Local Rules of this Court. This slight extension of time is intended to allow the Defendants to appropriately respond to the significant changes within the Plaintiffs' Amended Complaint (which includes factual allegations related to three new named Plaintiffs, among other things) and to incorporate the spirit of the Court's August 12, 2021 order regarding the briefing

schedule for Defendants' Motions to Dismiss the original Complaint in this matter, which has been made moot by the filing of the Amended Complaint. The grounds for this motion are as follows:

1. Plaintiff Mark Tassinari filed the original Complaint in this matter against five defendants on May 14, 2021.

2. On August 2, 2021, the then-defendants filed three motions to dismiss the original Complaint.

3. On August 11, 2021, Plaintiff filed a motion requesting additional time to oppose the motions to dismiss, and for reply briefs in support of the motions to dismiss. The Court granted the Plaintiff's motion on August 12, 2021.

4. On August 23, 2021, Plaintiffs filed their Amended Complaint, adding three new named plaintiffs, removing three defendants, and amending certain factual allegations.

5. Fed. R. Civ. P. 15(a)(3) provides that pleadings in response to amended complaints are due 14 days after service of the amendment. Local Rule 7.1 requires a party to respond to a motion within 14 days after service, and requires the filing of any reply brief within 7 days after service of the opposition.

6. Because of the significant changes in the Amended Complaint, and the resulting change in the grounds on which Defendants are likely to seek to dismiss the Amended Complaint, each of the Parties seek leave for one additional week of time each to prepare their respective briefs, on the following schedule:

- a. Motion(s) to dismiss: September 21, 2021
 - b. Opposition(s): October 12, 2021
 - c. Reply(ies): October 26, 2021
7. WHEREFORE, the Parties respectfully requests that this Court:

- a. Extend to September 21, 2021 the deadline for Defendants to file any motions to dismiss the Amended Complaint;
- b. Extend to October 12, 2021 the deadline for Plaintiffs to file any opposition to such motions; and
- c. Extend to October 26, 2021 the deadline for Defendants to file any replies in support of such motions.

LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned counsel hereby certifies that, pursuant to Local Rules 7.1(a)(2), counsel for Defendants conferred with counsel for Plaintiffs in good faith between August 26 and August 28 and attempted to resolve or narrow the issues in good faith. The parties were able to reach an agreement, and file this joint motion.

By:

/s/ Christine B. Hawes

Kevin M. Hensley
BARTON GILMAN LLP
75 Federal Street, 9th floor
Boston, Massachusetts 02110
617-654-8200
khensley@bglaw.com

Thomas P. Gies (*pro hac vice*)
Christine B. Hawes (*pro hac vice*)
CROWELL & MORING LLP
1001 Pennsylvania Avenue NW
Washington, DC 20004
202-624-2500
tgies@crowell.com
chawes@crowell.com

Attorneys for Defendants

/s/ Martha M. Lafferty

Martha M. Lafferty (*pro hac vice*)
Civil Rights Education and Enforcement Center
525 Royal Parkway, #293063
Nashville, TN 37229
615-913-5099
mlafferty@creeclaw.org

Amy F. Robertson (*pro hac vice*)
Civil Rights Education and Enforcement Center
1245 E. Colfax Ave., Suite 400
Denver, CO 80218
303-757-7901
arobertson@creeclaw.org

Benjamin Elga (Bar No. 697933)
Lucy B. Bansal (*pro hac vice*)
Janet Herold (Bar No. 632479)
Justice Catalyst Law
123 William Street, 16th Floor
New York, NY 10038
518-732-6703
belga@justicecatalyst.org
lbansal@justicecatalyst.org
jherold@justicecatalyst.org

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 30, 2021.

/s/ Christine B. Hawes